IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 23610 of 2007(I)

PETITIONER:

BALAKRISHNA PILLAI, AGED 78 YEARS,
S/O. RAMAN PILLAI, KADAKATHU HOUSE,
KUDASSANAD P.O., PALAMEL VILLAGE,
MAVELIKKARA TALUK.

BY ADV. SRI.G.ANANTHANARAYANAN
SRI.K.GOPALAKRISHNAN UNNITHAN

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
SUB-DIVISION, CHARUMMOOD.

3. BALACHANDRAN PILLAI,
KADAKATHU HOUSE, KUDASSANAD P.O.,
PALAMEL VILLAGE, MAVELIKKARA TALUK.

4. THANKACHAN MATHAI,
PADINJARE NAMPOZHIL, KUDASSANAD P.O.,
PALAMEL VILLAGE, MAVELIKKARA TALUK.

5. THANKAMANI AMMA, W/O. CHANDRASEKHARA
KURUP, LEKHALAYAM, KUDASSANAD P.O.,
PALAMEL VILLAGE, MAVELIKKARA TALUK.

BY ADV. SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 23610/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE OBJECTION DATED 23/05/2007 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

P2 : COPY OF THE SKETCH SHOWING THE ROUTE PROPOSED BY THE 1ST RESPONDENT AND ALTERNATE ROUTE PROPOSED BY THE PETITIONER.

P3 : COPY OF THE PETITION DATED 23/05/2007 FILED BY THE PETITIONER FOR SPOT INSPECTION BEFORE THE 1ST RESPONDENT.

P4 : COPY OF THE OBJECTION DATED 30/05/2007 FILED BY THE 3RD RESPONDENT BEFORE THE 1ST RESPONDENT.

P5 : COPY OF THE PETITION DATED 30/05/2007 FILED BY THE 3RD RESPONDENT FOR SPOT INSPECTION BEFORE THE 1ST RESPONDENT.

P6 : COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 16/06/2007.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 23610 of 2007

Dated, this the 7th day of September, 2007

J U D G M E N T

Petitioner is challenging Ext.P6 order of the ADM approving drawal of electric line for giving connection to 5th respondent. I heard learned counsel for petitioner and learned Standing Counsel for KSEB. I have perused the sketch produced by learned Standing Counsel for KSEB. The route suggested by KSEB and approved by ADM is 165 meters of overhead line and 35 meters of weather proof line. It is seen that part of the overhead line is passing over a Panchayat road and balance overhead line over a 'Nadavarambu' (pathway in the paddy field). The paddy field over which line is passing, admittedly, does not belong to the petitioner. The only crossing of the line over petitioner's property is 35 meters of weather proof line. The alternate route suggested by the petitioner is 550 meters of overhead line passing over the property of different persons and therefore the said alternate proposal is rightly rejected by ADM. Even though learned counsel suggested some other route also, I do not find such suggestion is acceptable because crossing of private property is involved and petitioner has

not obtained consent from any such land owners. The weather proof line is insulated cable and totally benign and harmless. Therefore, petitioner's objection is rightly rejected by the ADM. This writ petition is devoid of any merit and is dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg